his automobile at a rate of speed which exceeded that allowed by law, which endangered the public safety, and which actually resulted in the injury of a pedestrian.

An assault and battery may be committed by wilfully hitting another with an automobile. *Schneider v. State,* 104 N. E. (Ind.) 69. Gross negligence or the wilful, wanton or reckless disregard of the safety of others is a basis for imputing to the negligent person the criminal intent which is the essential ingredient of crime. *Thomas v. The People,* 2 Colo. App. 513. So, persons who recklessly and negligently, or wantonly and wilfully, drive a horse and team upon the highway at a dangerous rate of speed are criminally liable for the results thereof. *Belk et al. v. The People,* 125 Ill. 584; *Rex v. Walker,* 1 C. P. 320; *Rex v. Timmins,* 7 C. & P. 499. A verdict of guilty in an action for assault and battery will be sustained where there is evidence of reckless speed and reckless running of an automobile. *Commonwealth v. Bergdoll,* 55 Pa. Sup. Ct. 186. If the injury occasioned by the collision results in death, the culpable party may be justly convicted of manslaughter, if the collision was caused directly by such gross carelessness as to indicate an indifference to consequences, or by the commission of an unlawful act. *State v. Goetz,* 83 Conn. 437; *Luther v. State,* 98 N. E. (Ind.) 640; *State v. Watson,* 216 Mo. 420; *People v. Danagh,* 141 N. Y. App. 408. Would the mere violation of a statute regulating speed—the commission of an unlawful act—of itself supply the criminal intent necessary? In *Commonwealth v. Adams,* 114 Mass. 313, it was held that one driving a horse at an unlawful rate was not guilty of criminal assault and battery, as the act was merely *malum prohibitum* and not *malum in se.* This same distinction in not implying criminal intent from an act merely *malum prohibitum* is recognized in 1 East. P. C. 260; 1 Bishop's Criminal Law 204. In *Commonwealth v. Hawkins,* 157 Mass. 551, it was held that the fact that the defendant discharged a revolver in violation of a city ordinance was proper evidence for the consideration of the jury on the question of negligence, inasmuch as recklessness or gross carelessness lay at the foundation of the action, but would not of itself be sufficient to impute a criminal intent to the defendant. Likewise in *People v. Scanlon,* 132 N. Y. App. Div. 528, the court says, "The authorities hold that driving at a rate prohibited by law is evidence of negligence." In such cases as those above the defendant was violating some statute to be sure, but quite apart from the statute his manner was criminally negligent. As is pointed out in *Schultz v. State,* 130 N. W. (Neb.) 972, none of the cases are based solely on the violation of the statute but on the negligent, reckless, careless, and dangerous driving of the machine. It seems that criminal intent will not be imputed from the violation of a speed ordinance *ipso facto,* but that such violation would be strong evidence of a wilful recklessness amounting to criminal negligence.

ELECTRICITY—ACTION FOR INJURY—RES IPSA LOQUITUR.—CAIN V. SOUTHERN MASSACHUSETTS TELEPHONE CO., 107 N. E. (MASS.) 380.—*Held,* In an action for injury by electric shock while the plaintiff was using a telephone, the doctrine of *res ipsa loquitur* applies.

The doctrine of *res ipsa loquitur* is applied where an accident occurs which is of such a nature that the natural and reasonable inference is that it would not have happened in the ordinary course but for the negligence of the defendant, or when it appears that the facts are so far within the defendant's exclusive knowledge that it is reasonable to call upon him for an explanation of the accident. *Keasbey on Electric Wires,* Sec. 271; *Chaperon v. Portland Electric Co.,* 41 Ore. 39; *St. Louis v. Bay State Street Railway Co.,* 216 Mass. 255. Where a person is lawfully using a public highway in the usual way, and is injured by an electric shock, these facts establish a *prima facie* case in his favor against the company furnishing the electricity. *Snyder v. Wheeling Electrical Co.,* 43 W. Va. 661; *Boyd v. Portland Electric Co.,* 40 Ore. 126; *Clarke v. Railroad Co.,* 41 N. Y. Supp. 78. The doctrine of *res ipsa loquitur* applies, as in the principal case, where the plaintiff is injured while using an electrical device on his own premises, where the wires and appliances are under the control and management of the defendant. *Reynolds v. Narragansett Electric Lighting Co.,* 26 R. I. 457; *Alexander v. Nanticoke Light Co.,* 209 Pa. 571; *Union Light, Heat & Power Co. v. Lakeman,* 156 Ky. 33. But the doctrine does not apply where the wires and appliances are under the control of the plaintiff or some one other than the defendant. *Peters v. Lynchburg Light and Traction Co.,* 108 Va. 333; *Hill v. Pacific Gas & Electric Co.,* 136 Pac. (Cal.) 492; *Harter v. Colfax Light & Power Co.,* 124 Iowa 500. (*Contra, Augusta Railway & Electric Co. v. Beagles,* 12 Ga. App. 849.) Courts have refused to apply the doctrine of *res ipsa loquitur* where the evidence of the plaintiff shows that the shock received from the electrical appliance was probably caused by an act of God. *Rocap v. Bell Telephone Co.,* 230 Pa. 597; *Aument v. Pennsylvania Telephone Co.,* 28 Pa. Super. Ct. 610.

EVIDENCE—TRAILING BY DOGS.—FITE V. STATE, 84 S. E. (GA.) 485.—*Held,* when it is established that one or more of the dogs were of the stock noted for acuteness of sense and power of discrimination, and had been trained in the exercise of these qualities and were in charge of one accustomed to use them; and that they were laid on a trail, which circumstances indicate to have been made by the accused, then the tracking by the bloodhound may be permitted to go to the jury.

Upon the subject whether the trailing by a bloodhound should be allowed to go in evidence, there is a square conflict of authorities. But the majority of courts, in which the cases have come up, have allowed such "testimony" to go in. *State v. Dickerson,* 77 Oh. St. 34; *Gallant v. State,* 167 Ala. 60; *Davis v. State,* 46 Fla. 137; *Dunham v. Commonwealth,* 119 Ky. 508; *State v. Adams,* 116 Pac. (Kans.) 608; *Spears v. State,* 92 Mich. 613; *Parker v. State,* 46 Tex. Crim. Rep. 461; *State v. Freeman,* 146 N. C. 615. In the following cases, the evidence was held inadmissible because there was not a sufficient foundation laid, though the rule is recognized. *State v. Norman,* 153 N. C. 591; *Stout v. State,* 92 N. E. (Ind.) 161; *Sprouse v. Commonwealth,* 132 Ky. 269; *Allen v. State,* 62 So. (Ala.) 971. The following cases held such evi-